

251 North Avenue West, 2nd Floor
Westfield, New Jersey 07090
Tel.: (908) 518-7700
Fax: (908) 518-7795

Mayer & Williams PC
Intellectual Property Law

RECEIVED
CENTRAL FAX CENTER

SEP 26 2006

Fax

To: Office of Petitions	From: Marjorie Scariati
Fax: 571-273-8300	Pages: 6
Phone:	Date: 9/26/06
Re: 10/729,526	CC:

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

PRIVACY AND CONFIDENTIALITY NOTICE

The information contained in this communication is confidential and may be legally privileged. It is intended solely for the use of the individual or entity to whom it is addressed and others authorized to receive it. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or taking of any action in reliance on the contents of this information is strictly prohibited.

If you received this communication in error, please immediately notify us by a collect telephone call to the writer and return the original message and documents to us at the above address via the United States postal service

Please see the attached Petition To Revive Unintentionally Abandoned Application Under 37 CFR 1.37(b), Accompanying Statement, and Part-B Issue Fee Transmittal

BEST AVAILABLE COPY

P.01 Sep 26 2006 19:49

MAYER & WILLIAMS PC Fax: 908-518-7795

Serial No.: 10/729,526

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael Magers

RECEIVED
CENTRAL FAX CENTER

Serial No.: 10/729,526

SEP 26 2006

Filed: 12/05/2003

Title: METHOD FOR DETERMINING EFFECTIVE THERMAL MASS OF A BODY OR
ORGAN USING A COOLING CATHETER

Art Unit: 3739

Examiner: Roy Dean Gibson

Confirm. No.: 2416

Docket No.: 055003

Via Facsimile: 571-273-8300

Attn: Office of Petitions

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION UNDER
37 CFR 1.137(b), ACCOMPANYING STATEMENT, AND
PAYMENT OF ISSUE AND PUBLICATION FEES

Sir:

This Petition to Revive Unintentionally Abandoned Application is filed in response to the Notice of Abandonment mailed September 26, 2005.

As per the Notice of Abandonment, the applicant failed to timely pay the required Issue and Publication Fees in response to the Notice of Allowance mailed April 7, 2005. The entire delay in paying the required fees was unintentional, as the Notice of Allowance was never received by the undersigned.

Enclosed please find a statement signed by a representative of the firm of Mayer Fortkort & Williams (now Mayer & Williams PC), in which the representative states that the Notice of Allowance was not received, and attests to the fact that a search of the file jacket and docket

1 09/27/2006 TL0111 00000058 501047 10729526
01 FC:2453 750.00 DA

SEP 26 2006

Serial No.: 10/729,526

records indicates that the Notice of Allowance was not received. A copy of the docket record where the non-received Notice of Allowance would have been entered had it been received and docketed is enclosed as well.

Per the requirements of the Notice of Allowability mailed April 7, 2005 (retrieved off the PTO PAIR system on September 26, 2006), applicant submits herewith a completed Part-B Issue Fee Transmittal and payment of the required Issue and Publication fees accordingly.

In view of the above circumstances, and the payment of all required fees herewith, Applicant hereby petitions the Commissioner grant this Petition to Revive. It is respectfully requested that the Notice of Abandonment be withdrawn, and the application proceed to issuance accordingly.

While the PTO is hereby authorized to charge the \$750 Petition Fee (Small Entity) to the undersigned attorney's PTO Deposit Account #50-1047, it is respectfully requested that the petition fee be refunded upon grant of this petition due to the circumstances described above. The Commissioner is hereby authorized to charge the issue and publication fees, as well as any additional fees that may be due as a result of this Petition, to the undersigned attorney's PTO Deposit Account #50-1047.

Respectfully submitted,

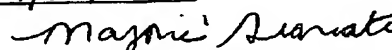

Karin L. Williams Reg. No. 36,721

Attorney for Applicant
Mayer & Williams, PC
251 North Avenue West, 2nd Floor
Westfield, NJ 07090

Tel.: 908-518-7700
Fax: 908-518-7795

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this document, and any document referenced herein, has been transmitted via facsimile to the US Patent and Trademark Office, Office of Petitions at (571) 273-8300 on 9/26/06.


Marjorie Scariati
(Printed Name of Person Faxing Correspondence)

RECEIVED
CENTRAL FAX CENTER

SEP 26 2006

To The Office of Petitions:

The undersigned states that the Notice of Allowance mailed to Mayer Fortkort & Williams on April 7, 2005 in patent application 10/729,526 was never received at the office of Mayer Fortkort & Williams. A search of the file jacket and docket records confirms that the Notice of Allowance mailed April 7, 2005 was never received. A copy of the docket record where the non-received Notice of Allowance would have been entered had it been received and docketed is attached hereto.

Signed:

Marjorie Scamati

Printed name and title: MARJORIE SCAMATI
SENIOR PATENT PARALEGAL

RECEIVED
CENTRAL FAX CENTER

SEP 26 2006

Country Application

Tuesday, September 26, 2006

Case Number: 2050/2	Country: US	SubCase: C2
Client: Innercool Therapies	United States of America	
Case Type: CON	Application Status: ABANDON	
Application Number: 10/729,526	Filing Date: 05-Dec-2003	
Patent Number:	Issue Date:	
Publication Number: 040116987	Publication Date: 17-Jun-2004	
Priority Number: 09/586,000	Priority Date: 02-Jun-2000	
Tax Schedule: SE	Expiration Date:	
	Tax Start Date:	

Agent:

Agent Reference Number:

List Of Actions

Action(s) Due	Due Date	Action Taken
Foreign Filing Reminder	02-Dec-2000	Due Date 02-Dec-2000
Foreign Filing Due	02-Jun-2001	Final 02-Jun-2001
Request for Examination	02-Jun-2003	Due Date 02-Jun-2003
Information Disclosure Stmt	05-Mar-2004	Due Date 12-Mar-2004
Application Status Check	05-Jun-2005	Due Date
DEADLINE TO REVIVE !	26-Sep-2006	Due Date

User ID: Marjorie

Date Created: 20-Aug-2004

Last Update: 26-Sep-2006